

INDIANA STATE EXCISE POLICE

# 2012 ANNUAL REPORT

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AN ACCOUNTING OF DEPARTMENT  
ACTIVITY AND ACCOMPLISHMENTS



INDIANA GOVERNMENT CENTER  
SOUTH, ROOM E-112  
302 W. WASHINGTON STREET  
INDIANAPOLIS, INDIANA 46204

# 2012 ANNUAL REPORT



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## PREFACE

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The Indiana State Excise Police is the law enforcement division of the Alcohol & Tobacco Commission. State excise police officers are empowered by statute to enforce the laws and rules of the Alcohol & Tobacco Commission as well as the laws of the State of Indiana.

Our mission is to provide quality service, and to protect the morals and welfare of the people of the State of Indiana. We are dedicated to the harmonious growth of our community, through a determined and cooperative partnership. We strive to help our fellow Hoosiers make Indiana a better place to live through education, enforcement and community preservation.

We are specifically tasked to assist the Alcohol and Tobacco Commission in accomplishing their goals, which include:

- The protection of the economic welfare, health, peace, and morals of the people of this state;
- The regulation and limitation of the manufacture, sale, possession, and use of alcohol and alcoholic beverages;
- The regulation of the sale, possession, and distribution of tobacco products; and
- The raising of revenue.

This annual report documents department activity and accomplishments from January 1, 2012 through December 31, 2012. The information contained in this report includes enforcement totals, a recounting of department programs, law enforcement and industry training reports, as well as department and individual accomplishments deserving of recognition.

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## LETTER FROM THE SUPERINTENDENT

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I am honored to present my second Indiana State Excise Police Annual Report. The information in the report will offer a detailed overview of the commendable work the Excise officers have done to ensure public safety throughout Indiana, especially in their primary role of regulating the distribution of alcohol, tobacco and oversight of Type II gaming.

Last year was quite eventful, especially since it began with the work the agency was tasked with as the City of Indianapolis prepared to host the Super Bowl. The priority in the first weeks of 2012 was to assist the permit holders in Indianapolis, especially those located downtown, with understanding the enforcement priorities the agency would have during the days prior to the game and game day itself. The Indianapolis district office, along with assistance from the districts outside the Indianapolis metropolitan area, worked diligently to finalize the amended floor plans that were filed, so the permit holders could maximize their service to the patrons of the Super Bowl festivities. The partnership with local officials ensured that all of the floor plans were approved by the deadline that was established.

In addition to our primary role for the Super Bowl, we worked with the Indiana Department of Homeland Security (IDHS), which allowed for officers and command staff to assist with security at the off-site Emergency Operations Center (EOC) during the game. The success of the Super Bowl is the result of the patrons acting responsibly and the collaboration between the ISEP and other state and local agencies.

Shortly after the Super Bowl, southern Indiana was struck by devastating tornadoes that severely affected the residents of Henryville and other communities in the region. The ISEP was activated by the IDHS, since the agency is now part of the State Emergency Response Plan. Officers provided escorts for the IDHS Emergency Response Vehicle (ERV) that served at the on-site command post, as well as, providing security for the command post. Later, we were asked to provide security at the service centers that were established by the Department of Administration to assist southern Indiana residents with obtaining new personal identification documents and other assistance.

A major accomplishment for 2012 is the eighteen (18) month investigation that resulted in multiple arrests and the seizure of more than \$3.2M. The charges that resulted from the investigation ranged from theft and corrupt business influence to possible charges of human trafficking. The suspects were the owners and operators of several Mexican restaurants in the Dearborn County. The success of this investigation is attributed to the work done by ISEP officers and the collaboration with the Dearborn County Prosecuting Attorney, the Dearborn County Special Crimes Unit, and the Indiana Department of Revenue.

I expect 2013 to be a productive year as the command staff, officers and civilian personnel continue to develop processes that enhance the mission of the agency. We will continue to

maximize our resources to meet the ever-changing needs of the citizens and the industries that we regulate. Moreover, we will continue to focus on the mission and core values of the agency, so we can do our part to ensure that Indiana is a safe place to live, work, visit and raise a family.

In closing, I hope that the information in this report increases your awareness of the initiatives of the State Excise Police and enlightens you our commitment to the development of effective enforcement strategies.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Strittmatter", with a stylized flourish at the end.

Matt Strittmatter  
Superintendent

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## EXCISE POLICE VISION

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For the Indiana State Excise Police to be an innovative and progressive state law enforcement agency that delivers exceptional service to the citizens of the State of Indiana with professionalism, integrity and commitment.

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## EXCISE POLICE MISSION

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Our mission is to provide professional and efficient law enforcement service with an emphasis on Indiana's alcohol and tobacco laws. We work to provide a safe environment for Indiana citizens, especially youth, by promoting crime prevention, educating the alcohol and tobacco industries, educating youth to the adverse effects of alcohol and tobacco, and developing community involvement to prevent the sale of alcohol and tobacco to minors. We want to learn what the concerns of the citizens are in order to provide solutions before crimes occur.

We are committed to providing advice and information to the industry, so permit holders are well acquainted with the alcoholic beverage laws and Alcohol and Tobacco Commission policies. We are also committed to ensuring compliance through education, as well as enforcement action, when it is necessary.

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## EXCISE POLICE VALUES

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The Indiana State Excise Police exists to serve the citizens of Indiana by protecting life and property; preventing crime; enforcing state and federal laws, specifically, the laws related to the distribution and possession of alcohol and tobacco; maintaining order; and ensuring public safety.

To achieve the agency's mission, officers and supervisors are committed to the following core values to guide their decisions and the performance of their duties. By adhering to these values, the agency will do its part to contribute to a high quality of life and ensure that Indiana is a safe place to live, work and raise and family.

The core values of the Indiana State Excise Police are:

- |                   |                     |                            |
|-------------------|---------------------|----------------------------|
| • Professionalism | • Flexibility       | • Integrity                |
| • Commitment      | • Accountability    | • Communication            |
| • Courtesy        | • Decisiveness      | • Dependability            |
| • Diligence       | • Discipline        | • Professional development |
| • Initiative      | • Leadership        | • Interpersonal relations  |
| • Loyalty         | • Positive attitude | • Ethics                   |
| • Receptiveness   | • Resourcefulness   | • Skills                   |
| • Teamwork        |                     |                            |

The public confidence and trust given to officers of the Indiana State Excise Police requires the adoption and compliance to the core values, which are the foundation on which the goals, operations and policies are structured.

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## OVERVIEW

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Indiana State Excise Police enforcement officers are assigned to six regionally located district offices and general headquarters.

- District 1 - Bristol
- District 2 - Columbia City
- District 3 - Crawfordsville
- District 4 - Seymour
- District 5 - Vincennes
- District 6 - Indianapolis
- GHQ - Indianapolis

The Indiana counties served by these district offices and the number of permits issued in those districts are illustrated below.

**District 1 – Bristol**

Alcohol – 3,088  
Tobacco – 2,027  
Gaming – 421

**District 3 – Crawfordsville**

Alcohol – 1911  
Tobacco – 1070  
Gaming – 183

**District 5 – Vincennes**

Alcohol – 1,798  
Tobacco – 1,110  
Gaming – 155



**District 2 – Columbia City**

Alcohol – 2,074  
Tobacco – 1,317  
Gaming - 338

**District 6 – Indianapolis**

Alcohol – 3,284  
Tobacco – 1,993  
Gaming - 347

**District 4 – Seymour**

Alcohol – 1,540  
Tobacco – 1,048  
Gaming - 106

### Contact Information for ISEP Offices

DISTRICT OFFICE	ADDRESS	PHONE / EMAIL
D-1 Bristol Lt. Tim Cleveland	52422 County Road 17 Bristol, IN 46507	(574) 264-9480 dist1@atc.in.gov
D-2 Columbia City Lt. John Folk	1353 South Governors Drive Columbia City, IN 46725	(260) 244-4285 dist2@atc.in.gov
D-3 Lafayette Lt. Kevin Akers	279 W 300 N Crawfordsville, IN 47933	(765) 362-8815 dist3@atc.in.gov
D-4 Seymour Lt. Brian Lang	651 Frontage Road Seymour, IN 47274	(812) 523-8314 dist4@atc.in.gov
D-5 Vincennes Lt. Christopher Bard	3650 S. US 41 Vincennes, IN 47591	(812) 882-1292 dist5@atc.in.gov
D-6 Indianapolis Lt. Monty McMahan	6400 E. 30 <sup>th</sup> Street Indianapolis, IN 46219	(317) 541-4100 dist6@atc.in.gov

GHQ STAFF	RANK	PHONE
Matt Strittmatter	Superintendent	(317) 232-2452
Robin Poindexter	Major Executive Officer	(317) 233-0838
Greg Deitchley	Captain North Districts	(260) 244-4285
Patrick Fulford	Captain South Districts	(317) 691-4978
Jennifer Fults	First Sergeant Office of Professional Standards	(317) 232-4826
Brent McKinney	Lieutenant Special Operations	(317) 232-2456
Jeff Lane	Sergeant Quartermaster	(812) 524-7466
Travis Thickstun	Corporal Media Relations/Public Affairs	(317) 232-2469
Rich Swallow	Officer Primary Source / Investigations	(317) 232-2451
Ami Sunier	Officer/Property and Evidence Coordinator	(317) 541-4100



Current staffing includes eighty-five sworn officers, with an average of twelve and one-half enforcement personnel assigned to each of six districts, and ten staff members located at General Headquarters in Indianapolis. Each district consists of one lieutenant to oversee administration of the district, a sergeant who performs both administrative and enforcement functions, and a corporal who acts as a direct field supervisor for enforcement personnel. Each district office employs one civilian serving as an administrative assistant.

By state statute, excise officers possess full police powers to enforce any state law, including the enforcement of Indiana traffic laws. But the agency's primary focus remains enforcing alcohol and tobacco laws, as well as certain statutes regarding gaming in licensed premises.

Newly hired excise officers must successfully complete an agency recruit school, then graduate the basic course of study at the Indiana Law Enforcement Academy within the statutory time frame. They continue to receive ongoing training in a variety of law enforcement topics and disciplines for the remainder of their careers.

Field enforcement officers are typically assigned counties of responsibility for conducting criminal investigations, permit inspections, and providing educational programs. Some officers are assigned additional duties such as local board investigations (alcohol permit transfers and renewals), law enforcement instruction, server training education, and evidence collection.

Officers typically conduct investigations by their own initiative and a great deal of activity is generated in that manner. Officers are also routinely assigned complaints received from the public about illegal activities. These complaints are closely tracked to ensure thorough investigation.

Enforcement officers are issued the necessary equipment to conduct criminal and administrative investigations, which includes being issued unmarked state-owned vehicles of various makes and models. Officers are issued uniforms that identify them as police officers; however, they often work in a plainclothes capacity. Working plainclothes allows the officer to more easily view crimes in progress, while at the same time, avoiding disruption at busy licensed business locations.

As was the case with other State agencies, the State Excise Police continued to pursue ways to lower agency expenditures in 2012.

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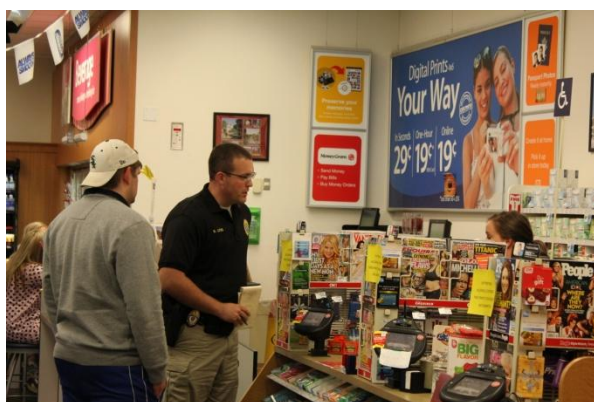
## ALCOHOL ENFORCEMENT

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Indiana alcoholic beverage laws are predominantly administered under Title 7.1, the Indiana Alcoholic Beverage Code. Title 7.1 includes the construction and operation of both the Alcohol & Tobacco Commission and Indiana State Excise Police, the procedures for obtaining and issuing permits, as well as the criminal and administrative statutes for alcoholic beverage law violations.

Indiana Administrative Code 905 further defines the contents of Title 7.1. The administrative code is used primarily to regulate the alcohol and tobacco industries, rather than the general public.

### Alcohol Industry Enforcement



There are currently more than 10,000 active alcoholic beverage business permit locations in the State, each subject to variety of laws, some of which may only affect that specific type of permit.

In 2012, the ATC issued 41,452 new permits (down from 44,029 in 2011). Of those, 36,382 were new employee permits. In addition, the ATC licensed 3,289 temporary events last year, down from 4,055 in 2011. The ATC renewed a total of 25,225 alcohol

permits in 2012, most of which were three-way retail restaurant permits. One thousand one hundred fifty-seven permits were made “dead” and 120 were put “in escrow” status.

There are 135,680 currently licensed employees (bartenders, package store clerks and servers) at these alcoholic beverage businesses. This does not include employees of grocery, convenience and drug stores where clerks are not required to hold a permit.

During 2012, officers conducted 16,922, enforcement inspections, down from 17,721 in 2011. In fact, many businesses were inspected more than once. In addition to enforcement visits, the agency conducted permit visits of a non-enforcement nature.

Upon finding violations of the law, officers have the option of citing the alcoholic beverage permit administratively or issuing warnings for lesser violations. During 2012, a total of 596 permit holders were cited for administrative violations, an 8.7% decrease over the previous year. Four hundred sixty businesses were issued written warnings, up 7.7% over 2011.

<i>Permit Enforcement Type</i>	<i>2010*</i>	<i>2011*</i>	<i>2012*</i>	<i>% Change</i>
Notice of Violation – Typical Enforcement	751	653	<b>596</b>	-8.7%
Notice of Warning – Typical Enforcement	312	427	<b>460</b>	+7.7%

Listed below are some of the more commonly cited administrative violations against alcoholic beverage permits.

<i>Violation Charge</i>	<i>2010*</i>	<i>2011*</i>	<i>2012*</i>	<i>% Change</i>
Sale of Alcoholic Beverages to a Minor	68	36	<b>29</b>	-19.4%
Allow a Minor to Enter / Loiter	92	64	<b>71</b>	+10.9%
Sale to Intoxicated Patron	16	12	<b>7</b>	-41.7%
Employee Permits	219	185	<b>140</b>	-24.3%
Determine Qualification Employee / Owner	25	47	<b>48</b>	+2.1%

*\* The 2009, 2010 & 2011 violation numbers listed do not reflect violations cited during the SAC – Survey for Alcohol Compliance checks during those years. SAC checks are an atypical form of law enforcement.*

### Survey for Alcohol Compliance

The Survey for Alcohol Compliance (SAC) is conducted by the Indiana State Excise Police to evaluate the availability of alcoholic beverages to persons under the age of 21. SAC inspections consist of ISEP Officers and 18-20-year-old youths who attempt to obtain alcohol at licensed retail establishments. Conducted in phases, the primary goal is to reduce access and availability of alcoholic beverages to Indiana youth.

The enforcement phase of SAC commenced July 1, 2009. Last year, 9,978 inspections were conducted at alcoholic beverage outlets as part of SAC, down from 11,977 inspections in 2011.

Last year, 15 locations were cited for gaming violations during SAC checks, down substantially from 37 in 2011. Below are the most common charges filed during a SAC check.

<i>SAC - Violation Charge</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>% Change</i>
Sale of Alcoholic Beverages to a Minor	882	603	<b>366</b>	-39.3%
Allow a Minor to Enter / Loiter	493	359	<b>285</b>	-20.6%
Employee Permits	148	93	<b>59</b>	-36.6%

### Alcohol Criminal Enforcement

As a normal course of business, excise officers make arrests for all types of criminal charges, just as any other police agency. Due to the nature of this agency, excise officers tend to concentrate on alcohol and tobacco-related crimes.

One unfortunate trend excise officers have seen emerging in recent years is the number of severely intoxicated people, most of them less than 21 years of age, who require medical treatment because of



their levels of intoxication. Excise officers took more than 50 people to emergency rooms for medical evaluations last year after they were found to be dangerously intoxicated.

During 2012, officers issued a total of 6,792 citations to the public for criminal or traffic violations, up 22.5% from 5,543 in 2011. Excise officers also issued 641 warning tickets last year.

Even with the mid-year change in the public intoxication statute, I.C. 7.1-5-1-3 (effective July 1, 2012), excise officers arrested 122 people for this offense in 2012, down only 5.4% from 129 in 2011.

Listed below are totals for some of the more common alcohol-related criminal charges filed.

<i>Criminal Charges('08,'09) and Tickets ('10-'12)</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>% Change</i>
Minor Possess / Consume / Transport Alc Bev	2,310	2,315	<b>3,172</b>	+37.0%
False ID or False Statement of Age Related	589	467	<b>592</b>	+26.8%
Furnish Alcohol to a Minor/Induce to Possess	402	394	<b>576</b>	+46.2%
Minor Enter / Loiter in Tavern or Liquor Store	211	156	<b>187</b>	+19.9%
Public Intoxication*	103	129	<b>122</b>	-5.4%
Maintain or Visit Common Nuisance	187	51	<b>61</b>	+19.6%
After Hours	30	34	<b>46</b>	+36.3%
Sale of Alcoholic Bev without a Permit	76	21	<b>38</b>	+80.9%

\*Public Intoxication law, I.C. 7.1-5-1-3, was amended on July 1, 2012.

In addition to SAC, other types of enforcement programs have also been instituted, some state-wide and others on a more local level. **Stop Underage Drinking and Sales**, or SUDS, is an alcoholic-beverage program that has been in use by the State Excise Police for several years.

**SUDS** is a federally-funded program that pays officers overtime for working details where there is a high likelihood of underage drinking. The primary goal of the program is to reduce the acquisition of alcoholic beverages by those individuals who are not legally entitled to possess them. By reducing access to alcoholic beverages through education and enforcement, the number of young individuals who will be injured or killed can be greatly reduced. In 2012, 27 permit holders were issued administrative violations on 50 charges and 22 permit holders were issued written warnings for 27 charges.



<i>Year</i>	<i>SUDS Details</i>	<i>SUDS Hours</i>	<i>SUDS Citations</i>	<i>Minor Charges</i>
<b>2012</b>	<b>103</b>	<b>3,168.5</b>	<b>1,279</b>	<b>961</b>
2011	238	4,830	2,904	1,935
2010	230	4,433	2,977	1,466
Change from 2011	-57.0%	-34.4	-55.9%	-50.3%

**Cops in Shops**, or CIS, a program developed by The Century Council, is possible in Indiana thanks to funding provided to the Excise police by the Governor's Council on Impaired and Dangerous Driving. Cop-In-Shops is an enforcement program where Excise officers pose as employees or customers at licensed dealer establishments. Upon attempting to purchase alcoholic beverages, a minor will be arrested by the officer. Officers also observe for intoxicated patrons attempting to make purchases and take appropriate enforcement action. While working CIS details, officers and employees have an opportunity to share information. Clerks learn the finer points of checking ID's, while Excise officers observe first-hand the daily problems the industry experiences in its attempts to prevent underage access to alcoholic beverages.

In 2012, excise officers issued 115 tickets and six warnings during 31 **CIS** enforcement details around the state, primarily at locations with high incidents of false ID use in the past. That's more than double the 53 tickets and four warnings issued during these details in 2011.

In February 2012, excise police launched the **Intensified College Enforcement**, or ICE, initiative – itself part of a multi-year effort by the Indiana Alcohol and Tobacco Commission to reduce underage drinking.

The ICE initiative follows other programs by the ATC aimed at underage access to and use of alcoholic beverages. These include the Survey for Alcohol Compliance (*page 11*) and server-training programs (*page 20*).



Alcohol seized by excise officers from minors during a traffic stop in West Lafayette, fall semester 2012.

The Intensified College Enforcement program aims to promote safety both on campus and in the affected local communities through educational programming coupled with highly visible law enforcement. The program's goal is to reduce risky behaviors, like underage drinking and binge drinking, in order to promote safer college communities for students and local residents. While the program's goal was to change behavior and not simply to issue tickets and make arrests, excise officers took appropriate enforcement action when they found someone violating Indiana law.

ICE, originally done at three colleges in the spring semester, was expanded to six campus communities in the fall semester after some early signs of success. One significant example came during Indiana University's Little 500 in April 2012. During Little 500 week in 2012, 267 patients between the ages of 17 and 23 were treated at the emergency room at IU Health Bloomington Hospital – down from 656 in the same age group seen for alcohol-related reasons during Little 500 week in 2011. With more officers patrolling Bloomington during 2012's Little

500 week because of the ICE initiative (along with educational programs on campus and news coverage of the ICE program), the numbers of young people who needed medical treatment for alcohol-related reasons was cut in half.

Another measure of success of the program comes from a reducing in alcohol-related crashes among 15-20 year olds in all six counties where excise officers conducted ICE details. Because the program's goal is to reduce underage access to a use of alcoholic beverages – not simply to make arrests and issue tickets – these preliminary numbers from the Indiana Criminal Justice Institute's Traffic Safety Division are encouraging. In 2010, there were 101 crashes involving 15-20-year-old drunk drivers (g/dL  $\geq 0.08\%$ ) in the six counties served by the Intensified College Enforcement program. In 2011, that number remained the same at 101. In 2012 – the first year of the ICE initiative – the number of crashes involving 15-20-year-old drunk drivers (g/dL  $\geq 0.08\%$ ) in these six counties fell drastically by 56.4% to 44 in a single year.

#### Alcohol-Related Crashes Involving 15-20 year old Drunk Drivers (g/dL $\geq 0.08$ )

<i>Counties with ICE</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>% Change</i>
Delaware (Ball State Univ.)	17	15	7	-53.3%
Marion (Butler Univ.)	27	33	21	-36.4%
Monroe (Indiana Univ.)	18	15	2	-86.7%
St. Joseph (Univ. of Notre Dame)	12	11	6	-45.5%
Tippecanoe (Purdue Univ.)	19	13	5	-61.5%
Vigo (Indiana State Univ.)	8	14	3	-78.6%
<b>Total for All ICE Counties</b>	<b>101</b>	<b>101</b>	<b>44</b>	<b>-56.4%</b>



Alcohol seized by excise officers from minors during a traffic stop in Bloomington, spring semester 2012.

One continuing area of concern is the number of high alcohol-concentration levels officers come across during enforcement. In 2011, excise officers arrested 614 people with BACs of .08% or higher; in 2012, they arrested 773 people with BACs of .08% or higher. There was slight improvement in the numbers arrested with extremely high alcohol-concentration levels of .25% or higher, from 40 in 2011 to 23 in 2012. Of those with high BACs in 2012, 4 were women and 12 were men – down from 7 and 13 in 2011.

Other **intensified patrols** are enforcement details designed to target locations and functions that have been identified as having a potential for problems with alcohol and/or tobacco use. Examples include lakes/reservoirs, concert venues, sporting and community events, and other locations where the affected age groups may be present in increased numbers. Often these problem locations are identified by concerned citizens in the local community. Intensified patrols are typically executed during normal work hours without the use of external funding.

**Fact Teams** (Fatal Alcohol Crash Teams) exist in seven Indiana counties to adjudicate impaired drivers who have caused crashes involving serious bodily injury or death. These teams, made up of local police officers working with the county Prosecutor's office, ensure prosecution of impaired drivers. The State Excise Police often assist their efforts by investigating those locations where the involved driver may have been consuming alcoholic beverages prior to the accident. These investigations can result in the permit location being cited for Sale alcoholic beverages to an intoxicated patron. In 2012, excise officers investigated five FACT complaints, down from six in 2011.

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## TOBACCO ENFORCEMENT

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The ATC currently has 8,457 active tobacco certificates issued to retail stores in Indiana. That's up slightly from 8,329 last year. Laws governing the sale and possession of tobacco products are strictly enforced throughout the state. A total of 678 tobacco certificate locations were identified as being inspected during 2012, down from 872 last year.

Retailers found to have sold tobacco to a juvenile, or who are not in possession of a valid certificate to sell tobacco products, are cited administratively at the ATC.

Juveniles found in possession of tobacco, and persons who provide tobacco to them, are ticketed for infractions into the local city or county court system. Citations for juvenile possession of tobacco decreased substantially to 446 last year from 874 in 2011 – a 48% decrease.

Totals for 2012's most common administrative and criminal tobacco charges are listed below.

<i>Tobacco Charge</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>% Change</i>
Sale to juvenile (store)	29	31	9	-70%
No or Expired Certificate (store)	68	51	58	+ 13%
Sale/Provide to a juvenile (person)	58	58	24	-58%
Possession by juvenile (person)	722	874	446	-48%

### Food and Drug Administration (FDA) Inspections

In 2012, the Indiana State Excise Police began conducting Advertising & Labeling inspections on behalf of the Food and Drug Administration (FDA). Twelve excise officers were commissioned as Inspectors for the FDA and conducted inspections at 3,340 locations in 2012 and observed 337 federal violations. Those violations ranged from charges of the sale of single cigarettes, allowing self service of regulated tobacco products, and other advertising or labeling violations. Each inspection and any related violations were documented and reported to the FDA. Because these officers' salaries are partially reimbursed by the FDA, this program has resulted in substantial savings to the agency.



### Indiana's Smoke-Free Air Law (House Bill 1149)



On March 19, 2012, Governor Mitch Daniels signed House Bill 1149, Indiana's Smoke-Free Air Law. The law, which took effect July 1, 2012, prohibited smoking in most public places and many workplaces, and required businesses and other organizations to post a variety of nonsmoking-related signs. House Bill 1149 made the Indiana Alcohol and Tobacco Commission the state agency primarily responsible for enforcement and implementation of the new law. Representatives from the ATC worked with the Indiana State Department of Health's Tobacco Prevention and Cessation Commission to implement the

new law as seamlessly as possible. These agencies worked closely to draft three Frequently Asked Questions documents (general information, businesses, and fraternal clubs), create several signs required by the new law, and put together a presentation about the law used around the state.

As the Commission's enforcement division, the State Excise Police undertook substantial additional responsibilities, including fielding thousands of questions from other government agencies, business owners and managers, and the public. Excise officers also gave presentations around the state to civic groups, fraternal and social clubs, government agencies, and other organizations about the new Smoke-Free Air Law. From the beginning, State Excise Police officers were available to meet with affected businesses one-on-one to discuss how the law would impact them.

In six months, State Excise Police officers inspected 1,835 businesses claiming an exemption from the prohibition on smoking and investigated more than 582 complaints from the public (MAP). As a result, 214 notices of warning and 17 notices of violation were issued. All 17 violations were issued after previous warnings were disregarded.



**2012 Smoke Free Air Law Complaints**



### **Tobacco Retailer Inspection Program (TRIP)**

Starting in 2001, the State Excise Police partnered with Indiana University to both survey and ultimately cite stores that illegally allow juveniles to purchase tobacco products. TRIP (Tobacco Retailer Inspection Program) allows the State Excise Police to contract with off-duty police officers and the Indiana Prevention Resource Center at Indiana University to conduct inspections of tobacco outlets. In 2012, the Tobacco Retailer Inspection Program (TRIP) fell under the purview of the FDA.

Inspection teams made up of police officers, young people aged 15, 16, or 17, and adult monitors conduct unannounced inspections of retail outlets that sell tobacco throughout Indiana. The youths attempt to purchase cigarettes, smokeless tobacco, pipe tobacco, or cigars. If a sale is made, the officer immediately issues a notice of violation to the storeowner and clerk. The Alcohol & Tobacco Commission prosecutor issues notices of civil monetary penalty and handles prosecution of violators. Penalties may range from \$200 to \$1000, depending on the number of infractions committed.

In 2012, the TRIP program continued to show a consistently low percentage of retailers willing to sell tobacco to juveniles. TRIP teams conducted 4,661 inspections in 2012. Of those, 300 were cited for being willing to sell tobacco to juveniles, bringing the non-compliance rate to 6.4%. That's up from 4.8% in 2011 and 3.8% in 2010. By comparison, the 2002 non-compliance rate was 18.9%.

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## OTHER CRIMINAL ENFORCEMENT TOTALS

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As excise officers have full police powers, they often make arrests for law violations other than alcohol and tobacco. While conducting investigations for alcohol and tobacco violations it is not unusual for an excise officer to find illegal drugs, unlawfully possessed weapons, drunk drivers, persons wanted on warrants, and various other criminal activities.

The department also routinely receives complaints from the public on a variety alcohol, tobacco and criminal law violations both at licensed and unlicensed locations.

### **Criminal Charges Other Than Alcohol and Tobacco**

In addition to the alcohol and tobacco charges listed previously in this report, below are totals for some of the more commonly charged criminal-law violations.

Sizable increases were seen in the number of arrests for driving while suspended or habitual traffic violations (up 109.7%), theft or criminal conversion (up 106.5%), and battery (up 180.0%). Smaller increases were seen in the numbers of people charged with operating while intoxicated (up 30.6%), open container violations (up 17.9%), and resisting arrest or fleeing (up 11.9%).



In September 2012, excise police served search and arrest warrants at 13 businesses and four residences in eight cities, arresting 41 people and seizing more than \$3,000,000 and 12 vehicles, after an 18-month investigation. The excise officers' investigation began after they noticed some financial irregularities at some businesses licensed to sell alcoholic beverages. Eventually they built a case against more than 100 people involved with five Acapulco Mexican Restaurants (in Batesville, Lawrenceburg, Rising Sun, Aurora, and Versailles) on charges that included corrupt business influence, money laundering, forgery, perjury, identity deception, theft, and other charges.

In 2012, excise officers seized 45 guns during their enforcement activities. As noted elsewhere in this report, promoting public safety by enforcing Indiana law remains our agency's primary goal. In one example from East Chicago, a judge ordered a .45 cal. revolver seized by excise police in Dec. 2, 2011, destroyed last month, when a 19-year-old was sentenced to 12 years in prison for two armed robberies. Surveillance video of one of the armed robberies shows that the clerk was so frightened she began shaking and fell to the floor after the man pointed the gun at her and demanded money. Taking 45 guns out of the hands of criminals last year is one of many ways excise officers work to keep communities throughout Indiana safe for residents and visitors to our state.

While patrolling around the state of Indiana, excise officers assisted other police departments on more than 775 incidents. They also assisted 316 stranded motorists. Excise officers put out at least two vehicle fires in 2012.

Listed below are totals for some of the more commonly charged criminal offenses.

<i>Criminal Charge</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>% Change</i>
Drug Possession and Dealing Arrests	568	462	<b>363</b>	-21.4%
Operating While Intoxicated Charges	126	108	<b>141</b>	+30.6%
Open Container Violations	195	207	<b>244</b>	+17.9%
Driving While Suspended/Habitual Traffic Viol	122	62	<b>130</b>	+109.7%
Service of Arrest Warrants	69	67	<b>67</b>	N/C
Resist Arrest / Flee LE Officer	61	59	<b>66</b>	+11.9%
Theft or Criminal Conversion	10	31	<b>64</b>	+106.5%
False Reporting or Informing	65	56	<b>26</b>	-53.6%
Indecent Exposure or Public Nudity	27	26	<b>22</b>	-15.4%
Battery (Includes Domestic & Sexual Battery)	5	5	<b>14</b>	+180.0%

### Complaint Investigations

The department tracks complaints filed with the agency by following the two most serious law violations contained in the complaint. While the entirety of the complaint is investigated, limitations exist that allow for only the two most serious charges to be tracked. For example, should a complaint of selling alcohol to intoxicated persons, sales to minors and unlicensed employees be received, only the sales to intoxicated and minors complaints are marked for tracking.

During 2012, the agency received 1,849 complaints of illegal activities against persons or permit holders. This is a significant increase from 1,444 complaints investigated in 2011. Excise officers completed investigations and closed 1,806 complaints during 2012, including those filed in late 2011 and investigated last year. As of Dec. 31, 2012, only 246 complaints remained open, pending completed investigations. Of the 1,849 complaints received, 41% (758) resulted in enforcement action being taken (i.e., an arrest, violation or warning). There was a marked increase in tobacco-related complaints from 226 to 729, most of which are related to the state's new Smoke-Free Air Law, I.C. 7.1-5-12.

<i>Crime Referenced in Complaint</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>% Change</i>
Sale to Intox or DUI with permit connection	88	140	<b>105</b>	-25.0%
Sales to Minors or Allow Minors to Loiter	234	307	<b>251</b>	-18.2%
Tobacco-related*	162	226	<b>729*</b>	+222.6%
Other Alcoholic Beverage	705	612	<b>708</b>	+15.7%
All Complaint Types **	1233	1,444	<b>2,431</b>	+68.4%

\* Includes Smoke-Free Air Law complaints (July 1, 2012, to Dec. 31, 2012, only).

\*\* All Complaint Types includes other types of crimes in addition to the specific crimes listed above.

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## LAW ENFORCEMENT TRAINING

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In 2012, excise police officers received 7,474 hours of training as part of the agency's commitment to continuing education – up from 7,136 in 2011. Each year, officers are required to complete at least 24 hours of training. On average, our officers received more than three times the required amount of training, with an average of 89 hours of additional training per officer.



The agency has a total of 44 Law Enforcement Training Board certified instructors, which makes up half of the officers on the department. In 2012, we conducted an eight-week recruit school to provide training to five new officers. The recruits received 315 hours of training over the eight weeks. All training was provided by our own certified instructors at the Indiana Law Enforcement Academy. Also in 2012, five of our officers became certified to carry a TASER. We now have 47 certified TASER users on the department.

We again had officers graduate from PELA. Three supervisors completed the leadership training last year, bringing the total on the department to 15.



In 2012, excise instructors also provided a total of 2,414.5 hours of training to attendees of the Indiana Law Enforcement Academy, Fort Wayne Police Department Academy, Indiana University Police Department Academy, Northwest Indiana Law Enforcement Academy, other law enforcement entities, governmental agencies, county alcoholic beverage board members and servers of alcoholic beverages.

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## INDUSTRY & PUBLIC RELATIONS

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### Alcohol Awareness Programs

During 2012, excise officers conducted 359 educational, training and public information programs that were viewed by over 19,965 persons. Alcohol awareness, or AA, programs provide information to servers and clerks about such topics as sale of alcoholic beverages to minors, sale of alcoholic beverages to intoxicated patrons, dangers of alcohol on the body, etc. School programs cover such topics as binge drinking, drunk driving and tobacco use.

The agency participated in several booth-type events that were attended by literally tens of thousands of people. Some examples of this include the Indiana State Fair, Indiana Black Expo, Circle City Pride Festival, county fairs and various college career fairs.

### Media Relations/Public Information

In 2012, our agency continued to expand its efforts to inform the public about its work to promote public safety by enforcing the Alcoholic Beverage Code and other violations of Indiana law. Last year, the Public Information Officer sent 92 news releases, a substantial increase from 57 in 2011. As a result, there was a significant increase in media coverage of agency operations, including television news, radio news programs and newspapers. One goal the agency took on in 2012 was to increase awareness of our enforcement officers' efforts to enhance public safety through our educational programs and enforcement. We met that objective with significantly more news coverage.



In addition to expanded efforts with traditional news media outlets, in 2011 the state excise police launched social media accounts on both Facebook and Twitter (@ExcisePolice). The agency sent out 186 Tweets to a Twitter following that grew to 1,443 people in 2012. Social media accounts allow news media, the public and alcohol and tobacco businesses to get direct information on the agency's enforcement efforts. We also regularly answer questions from citizens posted to these social media sites.

### Prescription Drugs

State Excise Police officers participated in the U.S. Drug Enforcement Administration's third annual Drug Take Back event in October. Excise officers collected 22 pounds of unused prescription medication as a result of this year's efforts. The Drug Take Back program has dramatically reduced the risk of prescription drug diversion and abuse, and increased awareness of this critical public health issue. The excise police will continue to participate in future Drug Take Back efforts, which provide the public a convenient way to rid homes of unwanted or expired prescription drugs.



## Server Training

In 2009, the ATC began certifying trainers to provide server-training classes to industry employees. These private individuals and businesses offer the required mandatory server training to their own employees, as well as the general public. As of 2011, trainers no longer have the ability to train other individuals wishing to become certified trainers. The ATC now trains all trainers. Transferring a large number of server training programs to the private sector allowed the agency to redistribute its resources to other areas. In 2010, agency-provided server training programs dropped 62% as a direct result of redirecting server training to the private sector – a number that has continued to drop each of the last two years. Now, excise officers can focus more time on providing educational programs to schools (including colleges, high schools, middle schools, and elementary schools), resulting in a 53.8% increase in these programs in 2012.

Totals for server training or alcohol awareness programs provided by excise staff during 2012 are listed below.

<i>Target Audience</i>	<i>2010</i>	<i>2011</i>	<b>2012</b>	<i>% Change</i>
Alcohol & Tobacco Clerks, Servers & Owners	209	115	<b>107</b>	-6.9%
Train-the-Trainer	392	134	<b>53</b>	-60.5%
General Public, Schools, Civic Organizations	114	91	<b>140</b>	+53.8%